

COURT OF CRIMINAL APPEALS

STATE OF ALABAMA

2013 Feb-12 AM 11:02
U.S. DISTRICT COURT
N.D. OF ALABAMA

MARY BECKER WINDOM
Presiding Judge
SAMUEL HENRY WELCH
J. ELIZABETH KELLUM
LILES C. BURKE
J. MICHAEL JOINER
Judges



Gerri Robinson
Acting Clerk
(334) 229-0751
Fax (334) 229-0521

May 14, 2012

CR-11-0207

Durell Bester v. State of Alabama (Appeal from Jefferson Circuit Court: CC08-3771.60)

ORDER

A Rule 32, Ala. R. Crim.P. petitioner wishing to appeal the denial of his Rule 32 petition is not automatically entitled as a matter of right either to assistance of counsel or to an appeal. See *Ex parte Cox*, 451 So. 2d 235, 237 (Ala. 1983). It is ORDERED that the appellant's pro se motion requesting that we hold his appeal in abeyance is denied.

This Court will not accept the filing of new briefs and the briefs previously filed in this case may not be amended. Thus, it is further ORDERED that the appellant's pro se brief filed with this Court on May 7, 2012, be returned to the appellant.

Additionally, the appellant is placed on notice that until this Court receives something from the appellant in writing indicating that he wishes for his attorney to withdraw and for the appellant to be allowed to proceed pro se, John Robbins will continue to serve as the appellant's court-appointed attorney in this appeal.

Done this the 14th day of May, 2012.

Mary B. Windom, Presiding Judge
Court of Criminal Appeals

cc: John C Robbins, Attorney
Durrell Bester, Pro Se
Robin Denise Scales, Asst. Atty. Gen.